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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/598,538	06/21/2000	Carl W. Shonk	60,314-098	7679

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EXAMINER

TRAN, DALENA

ART UNIT PAPER NUMBER

3661

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/598,538

**Applicant(s)**

SHONK, CARL W.

**Examiner**

Dalena Tran

**Art Unit**

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13, 18, 21-24 and 26-30 is/are allowed.
- 6) ☒ Claim(s) 14-17, 19 and 25 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### **Notice to Applicant(s)**

1. This office action is responsive to the amendment filed on 7/26/04. Claims 1-30 are pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 14-16, 19, and 25, are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu et al. (6,401,027) in view of Holland (6,321,091).

As per claim 14, Xu et al. disclose a method for transmitting the location of a vehicle to a location remote from the vehicle comprising the steps: determining a street attribute of the vehicle relative to a road network defined as a first location, and determining a new street attribute of the vehicle relative to a road network defined as a second location (see column 4, lines 49-56; column 7, line 54 to column 8, line 11; and column 9, line 66 to column 10, line 40), and automatically communicating the locations of the vehicle to the remote location based upon change in location (see column 7, lines 32-53). Xu et al. do not disclose communicating location of the vehicle at first and second frequency. However, Holland discloses periodic transmit the previous and actual position locations of the vehicle to the remote location (see column 2, lines 21-40; and column 12, line 61 to column 13, line 27). Holland does not explicitly disclose communicating the first and second location to the remote location at a first

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and second interval frequency. However, Holland disclose a locator system capable of determining a first and second location of the object or person carrying a locator device and transmit these locations to the remote location at a first and second interval frequency, because Holland discloses in column 2, line 28, the locator device records its previous locations, and actual position (column 2, line 39), therefore, it is obvious that the locator device has its first and second location. The locator device periodically transmits its position data to the remote location (column 2, line 30-32), and it is obvious that the rate of periodic transmission implies is the interval frequency transmission depends on the locations, and this interval frequency is different as disclosed in column 2, lines 35-39, because "if the locator device is relatively stationary, the rate of periodic transmission is reduced.....If the locator device is moving rapidly, the rate of periodic transmission is increased." Therefore, it is obvious that the locator system of Holland is capable of communicating a first and second location to the remote location at a first and second interval frequency. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Xu et al. by combining communicating the first and second locations of the vehicle to the remote location at first and second frequency, and second frequency different from first frequency for accurately tracking and monitoring vehicle position and differentiate transmission time when vehicle from position to position.

As per claim 15, Xu et al. disclose the location of the vehicle is communicated with reference to the road network (see column 4, line 49 to column 5, line 7; column 8, line 40 to column 9, line 2; and column 9, lines 57-62).

As per claim 16, Xu et al. disclose the road network is in a map database (see column 7, lines 13-30; and column 8, lines 18-39).

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As per claim 19, Holland discloses first and second frequencies are based on a distance traveled by the vehicle (see column 2, lines 27-29; and column 4, line 66 to column 5, line 16).

As per claim 25, Holland discloses the frequencies define a data transmission interval (see column 4, line 66 to column 5, line 16).

4. Claim 17, is rejected under 35 U.S.C.103(a) as being unpatentable over Xu et al. (6,401,027), and Holland (6,321,091) as applied to claim 14 above, and further in view of Zijderhand (5,598,167).

As per claim 17, Xu et al., and Holland, do not disclose the location of the vehicle is determined by map-matching. However, Zijderhand discloses the location of the vehicle is determined by map-matching (see column 5, lines 53-58). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Xu et al., and Holland by combining the location of the vehicle is determined by map-matching to provide information about the actual location of a vehicle as it moves over streets.

5. Claim 20 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-13,18,21-24, and 26-30, are allowable.

#### **Remarks**

6. Applicant's argument filed on 7/26/04 has been fully considered, upon updated search, the new ground of rejection has been set forth as above.

In response to applicant's remarks on page 2, fourth paragraph. Holland does not explicitly disclose communicating the first and second location to the remote location at a first

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and second interval frequency. However, Holland disclose a locator system capable of determining a first and second location of the object or person carrying a locator device and transmit these locations to the remote location at a first and second interval frequency, because Holland discloses in column 2, line 28, the locator device records it previous locations, and actual position (column 2, line 39), therefore, it is obvious that the locator device has its first and second location. The locator device periodically transmits it position data to the remote location (column 2, line 30-32), and it is obvious that the rate of period transmission is implies is the interval frequency transmission depend on the locations, and this interval frequency is different as disclose in column 2, lines 35-39, because "if the locator device is relatively stationary, the rate of periodic transmission is reduced.....If the locator device is moving rapidly, the rate of periodic transmission is increase." Therefore, it is obvious that the locator system of Holland capable of communicating a first and second location to the remote location at a first and second interval frequency. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Xu et al. by combining communicating the first and second locations of the vehicle to the remote location at first and second frequency, and second frequency different from first frequency for accurately tracking and monitoring vehicle position and differentiate transmit time when vehicle from position to position.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 703-308-8223. The examiner can normally be reached on M-F (7:30 AM-5:30 PM), off every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 703-305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner  
Dalena Tran



October 31, 2004